

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Maurice Dunbar,)	C/A No.: 2:11-2243-JFA-BHH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Director of SCDC Bill Byars; and Head)	
Officials of daily operations and procedures)	
in SCDC-State,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Maurice Dunbar, brings this action pursuant to the Rehabilitation Act of 1973 (RA) and Title II of the Americans with Disabilities Act (ADA). At the time of the filing of this complaint, the plaintiff was incarcerated at the Allendale Correctional Institution of the South Carolina Department of Corrections (SCDC).

The plaintiff was diagnosed with diabetes on May 4, 2011 and was assigned a medical class with work restrictions at the SCDC. In his complaint, he contends he was discriminated against when he was not allowed to participate in the work program. The plaintiff concedes that his security level at the time was 1B. However a level 1A is required to qualify for the work program.

The Magistrate Judge assigned to this action¹ has prepared a Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Recommendation wherein she suggests that this court should grant the defendants' motion for summary judgment.² The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation which was docketed on January 30, 2013. The plaintiff did not file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation.

See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, the defendants' motion for summary judgment is hereby granted and this action is dismissed with prejudice.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

February 22, 2013
Columbia, South Carolina

² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff responded to the motion.